

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SAINT-GOBAIN PERFORMANCE  
PLASTICS CORPORATION,

Plaintiff,

v.

W.L. GORE & ASSOCIATES, INC.;  
AND NEWAGE INDUSTRIES, INC.,

Defendants.

CIVIL ACTION NO. 07-CV-40302-FDS

**JOINT MOTION FOR ENTRY OF STIPULATED  
CONSENT JUDGMENT**

Plaintiff, Saint-Gobain Performance Plastics Corporation, and Defendant, W.L. Gore & Associates, Inc., having entered into a settlement agreement, hereby jointly move the Court to enter the Stipulated Consent Judgment in the form provided.

SAINT-GOBAIN PERFORMANCE  
PLASTICS CORPORATION  
By its attorneys,

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W.L. GORE & ASSOCIATES, INC.  
By its attorneys,

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-and-

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v.

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Defendants.

CIVIL ACTION NO. 07-CV-40302-FDS

**STIPULATED CONSENT JUDGMENT**

THIS STIPULATION AND CONSENT JUDGMENT (“Consent Judgment”) is entered into by and between Plaintiff and Counterclaim Defendant Saint-Gobain Performance Plastics Corporation (“Saint-Gobain”) and Defendant and Counterclaim Plaintiff W.L. Gore & Associates, Inc. (“Gore”), subject to approval by the Court.

WHEREAS, Saint-Gobain brought this suit against Gore for infringement of Saint-Gobain’s United States Patent Nos. 6,290,265 (“the ‘265 patent”) and 7,093,859 (“the ‘859 patent”), based on Gore’s manufacture, use, offer for sale, sale and/or importation of certain molded multi-lumen manifolds;

WHEREAS, Gore brought counterclaims in this suit against Saint-Gobain alleging that Saint-Gobain tortiously interfered with Gore’s business and economic relations and prospective advantage, committed injurious falsehood, defamed Gore and unfairly competed with Gore;

WHEREAS, Saint-Gobain and Gore have agreed in a separate agreement to settle the matter in issue between them (“Settlement Agreement”);

WHEREAS, the Court has reviewed this Consent Judgment and finds it equitable under the circumstances; and

WHEREAS, Saint-Gobain and Gore, through their respective counsel, hereby agree to entry of this Consent Judgment;

NOW, THEREFORE, IT IS HEREBY STIPULATED, ORDERED AND ADJUDGED:

1. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.*
2. This Court has jurisdiction over this action and over Saint-Gobain and Gore. Venue is proper in this Court.
3. Saint-Gobain is the owner of all right, title and interest in and to the '265 patent and the '859 patent.
4. Saint-Gobain and Gore will each bear its own costs and attorney fees.
5. This Consent Judgment and the Settlement Agreement constitute a final disposition of all disputes between Saint-Gobain and Gore concerning this action.
6. Breach of this Consent Judgment is enforceable under the applicable contempt power of this Court.
7. This Court shall retain jurisdiction over the subject matter and Saint-Gobain and Gore to construe, enforce and implement this Consent Judgment, and to resolve disputes, if any, arising between Saint-Gobain and Gore insofar as it relates to the Settlement Agreement, upon application of either Saint-Gobain or Gore.
8. Saint-Gobain and Gore each waives its right to appeal or otherwise contest this Consent Judgment.

IT IS SO ORDERED THIS \_\_\_\_ day of \_\_\_\_\_, 2008.

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HONORABLE F. DENNIS SAYLOR IV  
UNITED STATES DISTRICT COURT

CONSENTED TO as of this 6<sup>th</sup> day of October, 2008:

<p>SAINT-GOBAIN PERFORMANCE PLASTICS CORPORATION By its attorneys,</p> <p><u>/s/ Michael A. Albert</u> Michael A. Albert, BBO #558566 <a href="mailto:malbert@wolfgreenfield.com">malbert@wolfgreenfield.com</a> James J. Foster, BBO #553285 <a href="mailto:jfoster@wolfgreenfield.com">jfoster@wolfgreenfield.com</a> WOLF, GREENFIELD &amp; SACKS, P.C. 600 Atlantic Avenue Boston, MA 02210 617.646.8000 phone 617.646.8646 facsimile</p>	<p>W.L. GORE &amp; ASSOCIATES, INC. By its attorneys,</p> <p><u>/s/ Mark Koehn</u> Lawrence J. Gotts Mark Koehn PAUL, HASTINGS, JANOFSKY &amp; WALKER LLP 875 15<sup>th</sup> Street, N.W. Washington, D.C. 2005 202-551-1700 phone 202-551-1705 facsimile</p> <p>-and-</p> <p>Robert L. Ciociola, BBO# 084140 LITCHFIELD CAVO LLP 6 Kimball Lane, Suite 200 Lynnfield, MA 01940-2682 781-309-1500 phone 781-246-0167 facsimile</p>
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